

#33

PATENT

Docket No.: 19603/10215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael E. O'Donnell

Examiner:

R. Hulson

Serial No. : 08/828,323

Art Unit:

1652

Confim. No. : 4760

Filed : March 28, 1997

For : DNA POLYMERASE III HOLOENZYME

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PETITIONS OFFICE

PETITION TO WITHDRAW APPLICATION
FROM ISSUE UNDER 37 CFR § 1.313(c)Commissioner for Patents
Washington, D.C. 20231
ATTN: OFFICE OF PETITIONS

Dear Sir:

Pursuant to 37 CFR § 1.313(c), applicants hereby petition to withdraw the above-identified application from issue.

On December 31, 2001, a Notice of Allowance and Issue Fee Due statement was mailed to applicants. The Issue Fee was paid on March 28, 2002. Applicants have since decided to file Request for Continued Examination Under 37 C.F.R. § 1.114 (filed herewith) in order to have the U.S. Patent and Trademark Office ("PTO") consider the paper entitled "Information Disclosure Statement Under 37 C.F.R. §§ 1.97-1.98" ("Information Disclosure Statement") which is filed along with that Request for Continued Examination. In particular, in reviewing the file history for the above-identified patent application, applicants believe that the references cited in the attached Information Disclosure Statement have been considered by the PTO. More specifically, these references were cited to or by the PTO in the parent application (U.S. Patent Application Serial No. 08/279,058, now U.S. Patent No. 5,668,004) and in the related PCT Application No. PCT/US93/00627, filed January 22, 1993 of the above-identified patent application. However, it is not entirely clear from the file

history for the above-identified application which references were considered, as the PTO-

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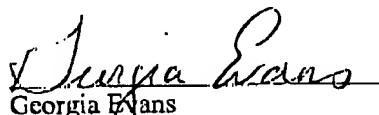
- 2 -

892 form listing the references considered has been lost from the file. Therefore, out of an abundance of caution, applicants have filed the attached Request for Continued Examination and Information Disclosure Statement. To have this information considered, applicants hereby petition, in accordance with 37 C.F.R. § 1.313(c)(2), for the above-identified application to be withdrawn from issue so that it can be abandoned and so that the information disclosure statement can be considered in the Request for Continued Examination.

Pursuant to 37 C.F.R. § 1.17(h), the Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fees which may be required to Deposit Account No. 14-1138.

Respectfully submitted,

Date: June 25, 2002


Georgia Evans
Registration No. 44,597

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CERTIFICATE OF FACSIMILE TRANSMISSION

Commissioner for Patents
Washington, D.C. 20231
ATTN: OFFICE OF PETITIONS

Dear Sir:

I hereby certify that this Request for Continued Examination Under 37 CFR § 1.114
(in duplicate) is being facsimile transmitted to the Patent and Trademark Office on the date
shown below.

Date:

June 25, 2002

Georgia Evans
Georgia Evans
Registration No. 44,597

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CONFIRMATION: DATE SENT _____ TIME _____ BY _____

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